REMARKS/ARGUMENTS

In the specifications, on page 32 the paragraph beginning on line 12 has been corrected to capitalize the trademarks PrepPak® and Bondapak®.

Claims 1-10 and 19-23 remain in this application. Claims 11-13 have been withdrawn.

Regarding the Information Disclosure Statements and Form PTO-1449s filed with the Office, a copy of copending application 09/603,231 has been provided tocomplete the record. Applicants' attorney acknowledges that this copending application may not be printed on the patent that issues from the present application, however, applicants' attorney notes that the examiner shall consider all information submitted in conformance with 37 CFR1.97 and 1.98. See MPEP 609. Therefore, applicants' attorney respectfully requests an indication of consideration of this properly cited document, even if it is not a prior art document.

With regard to the trademarks PrepPak® and Bondapak® the specification has been corrected to capitalize these trademarks where they appear on page 32 in the paragraph beginning on line 12. Applicants' attorney would direct the Examiner's attention to the description of the columns provided with the trademarks, which identifies the column. It is submitted that the information in the specification about the column would be sufficient for one of ordinary skill in the art to practice the present invention.

Claims 1-10 and 19-23 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully request reconsideration of this rejection.

Applicants have amended claims 1-10 and 19-23 to use appropriate Markush language in these claims. Accordingly, applicants respectfully submit that this aspect of the rejection of claims 1-10 and 19-23 under 35 U.S.C. §112, second paragraph, is now moot.

Applicants have reviewed the rejection of claims 1-4 and 23 for using the word "optionally." However, applicants respectfully submit that the use of "optionally" in these

claims does not render the claims indefinite. Applicants respectfully would direct the Examiner's attention to Ex Parte Wu, 10 USPQ2d 2031 (Fed Cir. 1989). In Ex Parte Wu, the use of the terms "optionally" was approved for use in similar claims. Accordingly applicants respectfully request reconsideration and withdrawal of the rejections of claims 1-4 and 23 under 35 U.S.C. §112, second paragraph.

Applicants have noted that claims 1-10 and 19-23 have been rejected under 35 U.S.C. 101 for same invention double patenting. Applicants respectfully submit that this rejection is in error and requests reconsideration.

Applicants respectfully submit that the formula of the present invention in claim 1 is not the same as the formula present in U.S. Patent 6,630,451. Accordingly, applicants respectfully requests reconsideration and withdrawal of the rejection of claims 1-10 and 19-23 under 35. U.S.C. §101.

The rejection of claims 1-10 and 19-23 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 and 16-19 of US Patent 6,365,617 in view of Hoekstra (USP 6,017,890) has been noted. However, applicants' attorney respectfully requests reconsideration of this rejection.

Although US Patents 6,365,617 and 6,017,890 are significant contributions to the art, it is respectfully submitted that the present invention is patentable over these patents. Applicants' attorney notes that the A1 is on the opposite side of the molecule from the A2 substituent in the Hoekstra patent. Applicants' attorney fails to understand how the placement of A1 and A2 in Hoekstra would suggest moving both substituents to the same side of the molecule and substituting A1 and A2 into the Formula I of the 617, to replace the left hand side of the 617 formula. Additionally, it is respectfully submitted that the quotation cited in the Office Action of January 9, 2004 does not provide any motivation for such modifications. Applicants' attorney respectfully submits that there is no basis provided in the rejection for picking portion of the 6,365,617 patent and combining them with portion of Hoekstra. Therefore, applicants' attorney does not believe that a prima facie case of obviousness has been presented. Accordingly applicants' attorney respectfully requests reconsideration and withdrawal of this rejection.

The provisional rejection of claims 1-10 and 19-23 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8, 10-12 of copending application serial number 09/603,231 has been noted. However applicants' attorney respectfully requests reconsideration of this rejection.

Formula I of serial number 09/603,231 does not contain the same bicyclic ring as the Formula I of the present invention. The provisional double patenting of the present invention provides no rationale to justify the conclusion that the present invention is not distinct from the invention claimed in serial number 09/603,231. Additionally, no basis for the conclusion of obviousness is provided in the rejection. Therefore, applicants' attorney respectfully submits that a prima facie case of obviousness has not been established. Accordingly, applicants' attorney respectfully requests that this rejection be withdrawn or a basis for the provisional obviousness rejection be provided so that applicants' attorney can formula an appropriate response.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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